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RLI INSURANCE COMPANY
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8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10

11 TONIC WEAR, INC., a California
corporation
12
Plaintiff,
13
v.
14
RLI INSURANCE COMPANY, an Illinois
15 corporation
16
Defendant.
17

18 AND RELATED COUNTERCLAIM.
19

CASE NO. C-05 3484 EDL

STIPULATION AND [PROPOSED]
ORDER EXTENDING TIME TO
COMPLETE MEDIATION

20 WHEREAS plaintiff and counter-defendant Tonic Wear, Inc., counter-defendant Kirk
21 Thornby, and defendant RLI Insurance Company ("the parties") have been ordered to participate
22 in mediation to occur in "mid-November" 2006;

23 WHEREAS the parties agreed to and did schedule a mediation with the Honorable
24 Rebecca Westerfield for November 16, 2006. Due to scheduling conflicts, the parties are unable
25 to complete depositions necessary for evaluation of this case prior to that date;

26 WHEREAS the parties are currently setting dates for deposition in November and early
27 December. Judge Westerfield is available for mediation in December 2006 and January 2007,
28 and the parties are rescheduling mediation to take place during that time;

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RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

FILED

NOV 14 2006

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

BY FAX

1 THEREFORE, the parties, by and through their respective counsel, hereby stipulate and
2 agree that the time by which to mediate this action shall be extended to January 31, 2007.

3 SO STIPULATED.

4 DATED: November 6, 2006 LINER YANKELEVITZ SUNSHINE & REGENSTREIF LLP

5
6 By: 

GREGORY A. RUTCHIK
JOSHUA S. LEVENBERG
Attorneys for Plaintiff TONIC WEAR, INC. and
Counter-defendants TONIC WEAR, INC. and KIRK
THORNBY

10 DATED: November 7, 2006 SEDGWICK, DETERT, MORAN & ARNOLD LLP

11
12 By: 

JULIA A. MOLANDER
LAURA L. GOODMAN
Attorneys for Defendant
RLI INSURANCE COMPANY

16 Based upon the stipulation of the parties, and good cause appearing therefore, the date by
17 which the parties are to mediate this action is continued to January 31, 2007.

18
19 IT IS SO ORDERED.

20 DATED: Nov. 14, 2006

21 
22 ELIZABETH LaPORTE
UNITED STATES MAGISTRATE JUDGE

1 *Tonic Wear v. RLI Insurance Company, et al.*

2 U.S. District Court, Northern District of California Case No. C05 3484 EDL

3 **PROOF OF SERVICE**

4 I am a resident of the State of California, over the age of eighteen years, and not a party to
the within action. My business address is Sedgwick, Detert, Moran & Arnold LLP, One Market
5 Plaza, Steuart Tower, 8th Floor, San Francisco, California 94105. On August 29, 2006, I served
the within document(s):

6 **STIPULATION AND [PROPOSED] ORDER EXTENDING TIME TO**
7 **COMPLETE MEDIATION**

- 8 ☐ FACSIMILE - by transmitting via facsimile the document(s) listed above to the
9 fax number(s) set forth on the attached Telecommunications Cover Page(s) on this
date before 5:00 p.m.
- 10 ☒ MAIL - by placing the document(s) listed above in a sealed envelope with postage
thereon fully prepaid, in the United States mail at San Francisco, California
11 addressed as set forth below.
- 12 ☐ PERSONAL SERVICE - by personally delivering the document(s) listed above to
the person(s) at the address(es) set forth below via WORLDWIDE ATTORNEY
SERVICE.
- 13 ☐ OVERNIGHT COURIER - by placing the document(s) listed above in a sealed
14 envelope with shipping prepaid, and depositing in a collection box for next day
delivery to the person(s) at the address(es) set forth below via OVERNITE
15 EXPRESS.

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Attorneys Specially Appearing For Co-Defendant

20 I am readily familiar with the firm's practice of collection and processing correspondence
21 for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same
day with postage thereon fully prepaid in the ordinary course of business. I am aware that on
22 motion of the party served, service is presumed invalid if postal cancellation date or postage
meter date is more than one day after date of deposit for mailing in affidavit.

23 I declare under penalty of perjury under the laws of the State of California that the above
24 is true and correct. Executed on August 29, 2006, at San Francisco, California.

25 
26 Kathleen McNulty
27